

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/581,260
Applicant : Tae Ki YOON, et al.
Filed : July 7, 2006
TC/A.U. : 1632
Examiner : Valarie Bertoglio

Docket No. : 3416-101
Customer No. : 06449
Confirmation No. : 1802

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Tae Ki Yoon, Dong Ryul Lee, Hyung Min Chung and Kwang Yul Cha,
declare as follows:

1. That Tae Ki Yoon, Dong Ryul Lee, Hyung Min Chung and Kwang Yul Cha
are the inventors of the subject matter described and claimed in the United States
Patent Application Serial No. 10/581,260, filed on July 7, 2006, entitled "Methods for
Vitrification of Human Oocytes" (the "260 application").

2. That we have read and understood the Office Action dated July 7, 2009.
In the Office Action, claims 1, 3-6 and 8 were rejected under 35 U.S.C. 102(a) as
anticipated by Cha et al., *Improved Clinical Outcomes Were Obtained From Vitrified
Oocytes Gold-Grid and Slush-Liquid Nitrogen After Failing the Fresh IVF-ET Program*,
Fertility and Sterility, vol. 84, Suppl. 1, September 2005, pp. S351-S352 ("the Cha

article”) and claims 1, 4-6 and 8 were rejected under 35 U.S.C. 102(a) as anticipated by Yoon et al., *Successful Clinical Application of Oocyte Vitrification Using Gold-Grid and Slugh-Liquid Nitrogen*, Fertility and Sterility, vol. 1, Suppl. 1, September 2005, p. S476 (“the Yoon article”). We understand that claims 4 and 8 have been cancelled by the Amendment concurrently filed with this Declaration and claims 1, 3, 5, and 6 are pending in the ‘260 application.

3. That Kwang Yul Cha, Soo Kyung Cha, Dong Ryul Lee, Hyung Min Chung, Woo Sik Lee and Tae Ki Yoon are listed as the authors of the Cha article.

4. That Tae Ki Yoon, Soo Kyung Cha, Jie-Ohn Sohn, Dong Ryul Lee, In Pyung Kwak and Kwang Yul Cha are listed as the authors of the Yoon article.

5. That the two authors of the Cha article who are not listed as inventors in the ‘260 application, Soo Kyung Cha and Woo Sik Lee, did not make any inventive contribution to the subject matter claimed in the ‘260 application. They worked under the supervision and control of Tae Ki Yoon.

6. That the three authors of the Yoon article who are not listed as inventors in the ‘260 application, Soo Kyung Cha, Jie Ohn Sohn and In Pyung Kwak, did not make any inventive contribution to the subject matter claimed in ‘260 application. They worked under the supervision and control of Tae Ki Yoon.

7. That Kwang Yul Cha, Dong Ryul Lee and Tae Ki Yoon who are listed as the authors of the Cha article and the Yoon article, and as the inventors on the ‘260 application, are the sole inventors of claims 1 and 5-6 and co-inventors of claim 3 with Hyung Min Chung.

8. That Hyung Min Chung who is not listed as an author of the Yoon article but listed as an inventor on the '260 application, is a co-inventor of claim 3, but did not contribute to conception or reduction to practice of the subject matter of any of claims 1 and 5-6.

9. The undersigned further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

by

Tae Ki Yoon 22 Sept. 2009
Tae Ki Yoon Date

DONG RYUL LEE 22, Sept. 2009
Dong Ryul Lee Date

Hyung Min Chung 22. Sep. 2009
Hyung Min Chung Date

Kwang Yul Cha 22. Sep. 2009.
Kwang Yul Cha Date